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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) P7328.9US	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/707,495	Filed 12/18/2003	
	First Named Inventor Bernd Stöber		
	Art Unit 3682	Examiner D.M. Fenstermacher	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. 35747 Registration number _____</p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 45%; text-align: center;"><div style="margin-bottom: 10px;"> _____ Signature Gudrun E. Hockett</div><div style="margin-bottom: 10px;">_____ Typed or printed name +49-202-257-0371</div><div style="margin-bottom: 10px;">_____ Telephone number 10/18/2007</div><div>_____ Date</div></div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bernd Stöber
Serial No: 10/707,495
Filed: 12/18/2003
Title: Drive Device Comprising a Gear Unit and a Motor Unit
Examiner: David Morgan Fenstermacher
Art Unit: 3682

Commissioner for Patents

Alexandria, VA 22313-1450

ARGUMENTS ACCOMPANYING
PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 1, 4-8, 10-18 stand rejected under 35 USC 102(b) as being anticipated by *Kummer et al.* (US 5,315,193).

The examiner argues that *Kummer et al.* shows the claimed invention where an electric motor (3) drives shaft (4) that couples motor and gear unit so that the shaft is a coupling unit per se. On the coupling unit (shaft) a fan (5) is mounted and the coupling unit (shaft) engages a gear arrangement that turns power 90 degrees to the output shaft and grinding disk (9). The casing has an inlet and an outlet (as disclosed in the Abstract) for cooling medium. The shaft rotates and therefore elastically widens over a portion of its length.

The examiner further argues on page 4 of the office action that the coupling unit is broadly recited in the claims and that, based on the broad recitation, the shaft couples the motor to the gear unit and the fan is mounted on the coupling unit (= shaft). The examiner further states in response to applicant's argument (quote: "There is no disclosure in regard to a cooling unit that is to be arranged in a coupling unit provided between motor unit and gear unit, wherein the coupling unit drivingly connects the motor shaft and gear shaft.") that

again the shaft is coupling the motor and the gear unit and the fan is mounted on the shaft and that therefore the shaft is acting as a coupling unit.

It is respectfully submitted that claim 1 defines that the **coupling unit is arranged between the gear unit and the motor unit and the coupling unit drivingly connects the gear shaft and the motor shaft**. Thus, the coupling unit is clearly defined as a **part separate from the motor shaft** since it couples the motor shaft and the gear shaft. The coupling unit that couples the motor shaft and the gear shaft is set forth as a separate element and cannot be the motor shaft itself.

Claim 1 then further defines that the at least one cooling unit is arranged in the coupling unit. The coupling unit is defined as a part separate from the motor shaft and the cooling unit is **arranged in** the coupling unit which is separate from the motor shaft.

Therefore the examiner's interpretation that the motor shaft can be broadly considered a coupling unit is not readable on the claim 1.

Kummer et al. shows in Figs. 1 and 2 motor shaft 4 with fan wheel 5 attached thereto. A coupling unit where the motor shaft and the gear shaft are drivingly connected is not shown. A gear unit is only schematically shown; no drive connection of motor shaft and gear shaft is shown. A cooling unit arranged in the coupling unit is not shown. The only teaching to be derived from *Kummer et al.* is that a fan wheel is to be mounted on the motor shaft.

The second embodiment of *Kummer et al.* (Figs. 4 and 5) also shows fan wheel 23 mounted on motor shaft 22. The radial blower 26 formed by the fan wheel 23 and the air guide casing 27 is integrated into the casing 20 of the motor (this is explicitly stated in col. 3, lines 31ff, of *Kummer et al.*). This embodiment therefore also teaches simply that a fan wheel is to be mounted on the motor shaft within the motor casing. There is no disclosure in regard to a cooling unit that is to be arranged in a coupling unit provided between motor unit and gear unit, wherein the coupling unit drivingly connects the motor shaft and gear shaft.

Kummer et al. cannot anticipate or make obvious the subject matter as claimed in claim 1.

Claim 6 sets forth that the coupling unit comprises a coupling hub connected fixedly to the gear shaft and the motor shaft. *Kummer et al.* does not show a coupling hub connected to the gear shaft and the motor shaft. *Kummer et al.* does not show how the drive connection of motor shaft and gear shaft is embodied. Shown is only that the fan wheel is mounted on the motor shaft.

Claim 6 is therefore not anticipated or obvious.

Claim 7 sets forth that the coupling hub is configured to elastically widen over a portion of a length thereof. Neither a coupling unit nor a coupling hub connected to the gear shaft and the motor shaft is shown in *Kummer et al.*. Since there is no coupling hub disclosed, there is no coupling hub that elastically widens. Examiner's remark (page 3, lines 3 and 4) that the shaft rotates and therefore elastically widens is not understood; how would a solid metal shaft elastically widen?

Claim 7 is therefore not anticipated or obvious.

Claim 8 defines that the coupling hub has at least one longitudinal slot. No coupling hub is shown in *Kummer et al.* - therefore, a coupling hub having a longitudinal slot is also not disclosed.

Claim 8 is not anticipated or obvious.

Claim 10, 11, 12 depend from claim 9; claim 9 is not anticipated so that claims 10, 11, 12 cannot be anticipated either as the feature of claim 9 is not anticipated by *Kummer et al.*

Claim 13 defines that at least one fan is fixedly mounted on the coupling hub. No coupling hub that is connected to the drive shaft and the gear shaft is shown in *Kummer et al.* so that a fan mounted on a coupling hub is also not shown.

Claim 13 is not anticipated or obvious.

Claim 15 defines that the coupling unit has a flow chamber and that the fan is positioned in the flow chamber. As pointed out before, a coupling unit is not shown; a flow chamber in which the fan is positioned is not shown. If, in accordance with the examiner's interpretation, the motor shaft is a coupling unit, the motor shaft has no flow chamber in which flow chamber the fan is positioned.

Claim 15 is not anticipated or obvious.

Claim 16 defines that the coupling unit has at least one intake opening and at least one exhaust opening that open into the flow chamber. There is no coupling unit disclosed in *Kummer et al.* If, in accordance with the examiner's interpretation, the motor shaft is a coupling unit, the motor shaft has no intake and exhaust and no flow chamber.

Claim 16 is not anticipated or obvious.

Claim 9 stands rejected under 35 USC 103(a) as being unpatentable over *Kummer et al.* (US 5,315,193) in view of *Boulva* (US 2003/0188520)

The examiner argues that *Boulva* shows a fan with fan blades (15) and the fan blades are attached by a coupling ring (15, 74) that securely attaches the fan blades to the shaft. The element 74 is the shaft (see para [0043]). A cage ("hub") 77 for a filter is mounted on the shaft 74 by nut 75. Examiner's argument is not understood.

Applicant respectfully requests that the rejection of the claims **1, 4-8, 10-18** under 35 USC 102(b) as being anticipated by *Kummer et al.* and the rejection of **claim 9** as being unpatentable over *Kummer et al.* and *Boulva* be withdrawn and that the claims be allowed.

Respectfully submitted on October 18, 2007,

/Gudrun E. Hockett/

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